

## **Part 1**

### **Highways in General**

#### **72-3-101 Title.**

This chapter is known as the "Highway Jurisdiction and Classification Act."

Enacted by Chapter 270, 1998 General Session

#### **72-3-102 State highways -- Class A state roads.**

- (1) State highways comprise highways, roads, and streets designated under Chapter 4, Designation of State Highways Act.
- (2) State highways are class A state roads.
- (3) The state has title to all rights-of-way for all state highways.
- (4) The department has jurisdiction and control over all state highways.
- (5) The department shall construct and maintain each state highway using funds made available for that purpose.

Amended by Chapter 324, 2000 General Session

#### **72-3-103 County roads -- Class B roads -- Construction and maintenance by counties.**

- (1) County roads comprise all public highways, roads, and streets within the state that:
  - (a) are situated outside of incorporated municipalities and not designated as state highways;
  - (b) have been designated as county roads; or
  - (c) are located on property under the control of a federal agency and constructed or maintained by the county under agreement with the appropriate federal agency.
- (2) County roads are class B roads.
- (3) The state and county have joint undivided interest in the title to all rights-of-way for all county roads.
- (4) The county governing body exercises sole jurisdiction and control of county roads within the county.
- (5) The county shall construct and maintain each county road using funds made available for that purpose.
- (6) The county legislative body may expend funds allocated to each county from the Transportation Fund under rules made by the department.
- (7) A county legislative body may use any portion of the class B road funds provided by this chapter for the construction and maintenance of class A state roads by cooperative agreement with the department.
- (8) A county may enter into agreements with the appropriate federal agency for the use of federal funds, county road funds, and donations to county road funds to construct, improve, or maintain county roads within or partly within national forests.

Amended by Chapter 324, 2000 General Session

#### **72-3-104 City streets -- Class C roads -- Construction and maintenance.**

- (1) City streets comprise:
  - (a) highways, roads, and streets within the corporate limits of the municipalities that are not designated as class A state roads or as class B roads; and

- (b) those highways, roads, and streets located within a national forest and constructed or maintained by the municipality under agreement with the appropriate federal agency.
- (2) City streets are class C roads.
- (3) Except for city streets within counties of the first and second class as defined in Section 17-50-501, the state and city have joint undivided interest in the title to all rights-of-way for all city streets.
- (4) The municipal governing body exercises sole jurisdiction and control of the city streets within the municipality.
- (5) The department shall cooperate with the municipal legislative body in the construction and maintenance of the class C roads within each municipality.
- (6) The municipal legislative body shall expend or cause to be expended upon the class C roads the funds allocated to each municipality from the Transportation Fund under rules made by the department.
- (7) Any town or city in the third, fourth, or fifth class may:
  - (a) contract with the county or the department for the construction and maintenance of class C roads within its corporate limits; or
  - (b) transfer, with the consent of the county, its:
    - (i) class C roads to the class B road system; and
    - (ii) funds allocated from the Transportation Fund to the municipality to the county legislative body for use upon the transferred class C roads.
- (8) A municipal legislative body of any city of the third, fourth, or fifth class may use any portion of the class C road funds allocated to the municipality for the construction of sidewalks, curbs, and gutters on class A state roads within the municipal limits by cooperative agreement with the department.

Amended by Chapter 131, 2003 General Session

Amended by Chapter 292, 2003 General Session

**72-3-105 Class D roads -- Maps to be prepared by county -- Indication of roads.**

- (1) As used in this section, "class D road" means any road, way, or other land surface route that has been or is established by use or constructed and has been maintained to provide for usage by the public for vehicles with four or more wheels that is not a class A, class B, or class C road under this title.
- (2) Each class D road is part of the highway and road system within the state with the same force and effect as if the class D road had been included within this system upon its being first established or constructed.
- (3) The state and county have joint undivided interest in the title to all rights-of-way for class D roads.
- (4) The county governing body exercises sole jurisdiction and control of class D roads within the county.
- (5) Each county shall prepare maps showing to the best of its ability the class D roads within its boundaries which were in existence as of October 21, 1976. Preparation of these maps may be done by the county itself or through any multi-county planning district in which the county participates.
- (6) Any class D road which is established or constructed after October 21, 1976, shall be reflected on maps prepared as provided in Subsection (5).
- (7) The county shall provide a copy of any map under Subsection (5) or (6) upon completion to the department.

- (8) The department shall scribe each road shown on its own county map series. The department is not responsible for the validity of any class D road and is not responsible for its being inventoried. The department shall also keep on file an historical map record of the roads as provided by the counties.

Amended by Chapter 324, 2000 General Session

**72-3-106 Actions to determine priority of use of public roads.**

- (1) The county attorney under the direction of the county legislative body shall determine a priority of public use of all county roads.
- (2) This action may be instigated by the written request of 10 taxpayers of the county to the county legislative body.
- (3) The county legislative body shall request the county attorney to instigate action within a reasonable length of time.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-3-107 County executive to keep plats of roads and highways.**

- (1) The county executive of each county shall determine all county roads existing in the county and prepare and keep current plats and specific descriptions of the county roads.
- (2)
  - (a) The plats and specific descriptions shall be kept on file in the office of the county clerk or recorder.
  - (b) A county clerk or recorder may not remove a platted road from the records unless the legislative body has vacated the road after a public hearing in accordance with Section 72-3-108.

Amended by Chapter 381, 2010 General Session

**72-3-108 County roads -- Vacation and narrowing.**

- (1) A county may, by ordinance, vacate, narrow, or change the name of a county road without petition or after petition by a property owner.
- (2) A county may not vacate a county road unless notice of the hearing is:
  - (a) published:
    - (i) in a newspaper of general circulation in the county once a week for four consecutive weeks before the hearing; and
    - (ii) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks before the hearing; and
  - (b) posted in three public places for four consecutive weeks prior to the hearing; and
  - (c) mailed to the department and all owners of property abutting the county road.
- (3) The right-of-way and easements, if any, of a property owner and the franchise rights of any public utility may not be impaired by vacating or narrowing a county road.
- (4) Except as provided in Section 72-5-305, if a county vacates a county road, the state's right-of-way interest in the county road is also vacated.

Amended by Chapter 90, 2010 General Session

**72-3-109 Division of responsibility with respect to state highways in cities and towns.**

- (1) Except as provided in Subsection (3), the jurisdiction and responsibility of the department and the municipalities for state highways within municipalities is as follows:
  - (a) The department has jurisdiction over and is responsible for the construction and maintenance of:
    - (i) the portion of the state highway located between the back of the curb on either side of the state highway; or
    - (ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.
  - (b) The department may widen or improve state highways within municipalities.
  - (c)
    - (i) A municipality has jurisdiction over all other portions of the right-of-way and is responsible for construction and maintenance of the right-of-way.
    - (ii) If a municipality grants permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the right-of-way under its jurisdiction:
      - (A) the permission shall contain the condition that any installation will be removed from the right-of-way at the request of the municipality; and
      - (B) the municipality shall cause any installation to be removed at the request of the department when the department finds the removal necessary:
        - (I) to eliminate a hazard to traffic safety;
        - (II) for the construction and maintenance of the state highway; or
        - (III) to meet the requirements of federal regulations.
  - (d) If it is necessary that a utility, as defined in Section 72-6-116, be relocated, reimbursement shall be made for the relocation as provided for in Section 72-6-116.
  - (e)
    - (i) The department shall construct curbs, gutters, and sidewalks on the state highways if necessary for the proper control of traffic, driveway entrances, or drainage.
    - (ii) If a state highway is widened or altered and existing curbs, gutters, or sidewalks are removed, the department shall replace the curbs, gutters, or sidewalks.
  - (f) The department may furnish and install street lighting systems for state highways, but their operation and maintenance is the responsibility of the municipality.
  - (g) If new storm sewer facilities are necessary in the construction and maintenance of the state highways, the cost of the storm sewer facilities shall be borne by the state and the municipality in a proportion mutually agreed upon between the department and the municipality.
- (2)
  - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the location and construction of approach roads and driveways entering the state highway. The rules shall:
    - (i) include criteria for the design, location, and spacing of approach roads and driveways based on the functional classification of the adjacent highway, including the urban or rural nature of the area;
    - (ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the model access management policy or ordinance developed by the department under Subsection 72-2-117(8);
    - (iii) include procedures for:
      - (A) the application and review of a permit for approach roads and driveways including review of related site plans that have been recommended according to local ordinances; and

- (B) approving, modifying, denying, or appealing the modification or denial of a permit for approach roads and driveways within 45 days of receipt of the application; and
- (iv) require written justifications for modifying or denying a permit.
- (b) The department may delegate the administration of the rules to the highway authorities of a municipality.
- (c) In accordance with this section and Section 72-7-104, an approach road or driveway may not be constructed on a state highway without a permit issued under this section.
- (3) The department has jurisdiction and control over the entire right-of-way of interstate highways within municipalities and is responsible for the construction, maintenance, and regulation of the interstate highways within municipalities.

Amended by Chapter 303, 2011 General Session

**72-3-110 Proposal to bypass or provide alternate route through city or town -- Notice and hearing required.**

- (1) Whenever the department proposes to construct a highway bypassing any city or town, or to provide an alternate route through or outside any city or town, the commission shall notify the governing officials of the city or town and hold a public hearing, on a date set, for the purpose of advising the citizens of the city or town of the reason or reasons for the highway proposed to be constructed.
- (2) The hearing shall be held within the city or town to be bypassed, except that if the highway proposed will bypass or provide an alternate route through or outside of several cities or towns located within close proximity to each other, the commission may combine the hearings and hold them in one city or town centrally and conveniently located to the others at which time each city and town shall be given ample opportunity to be heard.
- (3) Subsequent to the hearing, the commission shall notify in writing the officials of the city or town, or of each of the cities or towns if the hearings are combined, of the decision reached as a result of the hearing within 10 days from the time the decision is reached.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-3-111 Roads and parking spaces in connection with state institutions and areas for recreational activities.**

Subject to Section 72-1-303, the department is authorized to build and maintain roads:

- (1) leading to roads and parking spaces on the grounds of state institutions to which roads have not been designated by the Legislature; and
- (2) roads and parking spaces to serve areas in immediate proximity to a designated highway used for:
  - (a) salt flat races;
  - (b) ski meets; and
  - (c) activities which are promoted for the general welfare.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-3-112 Authority to designate, maintain, and build livestock highways.**

- (1) A highway authority may designate, survey, construct, protect, enter into agreements for, purchase rights-of-way for, and maintain livestock highways.

- (2) If state highways with heavy traffic are regularly used for the movement of livestock, the department, county legislative bodies, and municipal legislative bodies shall construct and maintain livestock roads or trails for livestock travel.
- (3) A livestock highway or trail is for the purpose of transferring livestock and may not be used for pasturing purposes, except during regular transfer operations. The public may use livestock highways or trails but shall give preference to livestock when livestock is present.
- (4) A person may not drive livestock upon the public highways when a livestock highway is available and can be used without undue inconvenience.
- (5) A person who violates the provisions of Subsection (4) is guilty of a class B misdemeanor. The court shall impose a:
  - (a) fine of not more than \$100;
  - (b) jail sentence of not more than 30 days; or
  - (c) fine and imprisonment.

Renumbered and Amended by Chapter 270, 1998 General Session

### **72-3-113 Truck limitations on Legacy Parkway.**

- (1) As used in this section:
  - (a) "Legacy Parkway" means the proposed or existing four-lane limited access highway that runs approximately 14 miles from I-215 in Salt Lake County to US 89 in Davis County.
  - (b)
    - (i) "Reconstruction of I-15 between US 89 in Farmington and I-215 in North Salt Lake City" means the physical construction work necessary to add capacity to the portion of I-15 from I-215 in Davis County to the interchanges with US 89 and I-15 in Farmington.
    - (ii) "Reconstruction of I-15 between US 89 in Farmington and I-215 in North Salt Lake City" does not include:
      - (A) preparation of environmental impact statements;
      - (B) preliminary design work or repairs; and
      - (C) maintenance and operations of the highway that do not add capacity to the highway.
  - (c)
    - (i) "Truck" means any vehicle:
      - (A) with five or more axles; or
      - (B) of 80,000 pounds or greater registered gross vehicle weight.
    - (ii) "Truck" does not include:
      - (A) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and National Guard on active duty including:
        - (I) personnel on full-time National Guard duty;
        - (II) personnel on part-time training;
        - (III) National Guard military technicians; and
        - (IV) civilians who are required to wear military uniforms and are subject to the Code of Military Justice;
      - (B) authorized emergency vehicles as defined in Section 41-6a-102 operated by emergency personnel but not including commercial tow trucks; or
      - (C) recreational vehicles that are driven solely as family or personal conveyances for noncommercial purposes.

- (2) The Legislature finds and declares that the limitation of trucks being operated on the Legacy Parkway under Subsection (3) is due to the unique location of the Legacy Parkway, which is adjacent to the Legacy Nature Preserve.
- (3) The department shall restrict trucks from being operated on the Legacy Parkway provided that:
  - (a) trucks shall be allowed to be operated on the Legacy Parkway during reconstruction of I-15 between US 89 in Farmington and I-215 in North Salt Lake City; and
  - (b) trucks shall be allowed to be operated on the Legacy Parkway if diversion of traffic from I-15 or another route is determined to be necessary by the highway patrol and the department in the event of an incident, following standard procedures for protecting public safety.

Enacted by Chapter 1, 2005 Special Session 2

Enacted by Chapter 1, 2005 Special Session 2